Matthew G. Bevin
Governor

COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
www.transportation.ky.gov/

Greg Thomas
Secretary

MEMORANDUM

TO: All Chief District Engineers and KYTC Permits Staff

FROM: Patty Blain Dunaway, P.E.
        State Highway Engineer

RE: Policy Clarification
        Control of Access Fence
        Removal and Replacement

DATE: November 08, 2017

Everyone:

Much of our access control fence on full and partial control routes has been damaged or overgrown with trees and vegetation. As a result, KYTC continues to see an increasing number of requests for permits to remove the access control fence or to remove the existing fence and replace it with decorative vinyl, wood, or other types of fencing.

The 2013 version of the permits manual does not contain a written policy for removal and/or replacement of access control fencing. The previous version of the manual dated 1999 had a chapter devoted to this subject. This has led to some confusion and inconsistencies from district to district on what is acceptable for these types of permit requests.

While access control fence does not necessarily coincide with right of way limits, in most cases it is a quick, easy way to determine the proximity of encroachments onto KYTC right of way. In some instances, the district may require the access control fence to remain in place to protect against illegal encroachments. On other roads, removal of the fence may be acceptable. If the adjoining property owner wants to remove the fence and not replace it, they must agree to retain the services of a licensed Land Surveyor to install right of way monuments in lieu of fence replacement.

Districts should consider the following when considering a request to remove or remove and replace access control fencing:

1.) Type of access control

    A.) Full Control Access - the existing access control fence may be removed, but must be replaced with an acceptable alternative fence and right of way monuments must be installed.

    B.) Partial Control Access- the existing access control fence may be removed completely, and right of way monuments must be installed. The applicant may also choose to replace the original fence with a more aesthetically pleasing fence at approximately the same location as the original.

2.) Right of Way Monuments

    All right of way monuments must be installed by a licensed Land Surveyor. Right of way monuments currently found in the standard specifications (RGX-005-06) are acceptable. In addition, some districts have access to the older concrete monuments previously used by the Cabinet. At the discretion of the Chief District Engineer, the district may also require those monuments to be installed, if available. At a minimum, right of way monuments must be installed at all changes in alignment of the affected right of way and at all property corners within the permit limits.

3.) The following gives some requirements for considering permit requests to remove or remove and replace access control fencing:

    A. New fence must be at least 48" tall.

    B. New fence must be constructed a minimum of 1 foot and a maximum of two feet outside the right-of-way line.

    C. The fence material and design must meet accepted industry standards and be treated or paintable. Durable finish materials such as vinyl are also acceptable.

D. The permittee is required to maintain the fence. All work on the fence must be accessed from private property. Access from the roadway will not be allowed. At the district's discretion, a separate maintenance agreement may be required.

E. The existing fence must be removed by the permittee and delivered to the Department's s maintenance storage yard for future re-use by the department. If not, the Department must be reimbursed for the cost of the fence removed from the site.

F. The permittee will be required to state, in writing, that control of access will not be diminished as a result of the replacement fence.

G. If the permittee wants to remove the fence, and regardless of whether or not a new fence is proposed to be installed, the permittee must agree to have a licensed land surveyor to install right of way monuments.